

**ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD**  
9535 E. DOUBLETREE RANCH ROAD, SUITE 100, SCOTTSDALE, AZ 85258  
PHONE (602) 364-1PET (1738) FAX (602) 364-1039  
VETBOARD.AZ.GOV

**COMPLAINT INVESTIGATION FORM**

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

**FOR OFFICE USE ONLY**

Date Received: Oct. 10, 2017 Case Number: 18-27

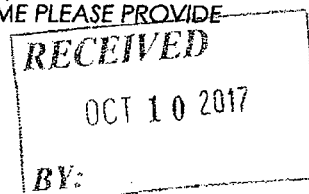
**A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:**

Name of Veterinarian/CVT: Dr. Marilyn Dickens #3232  
Premise Name: Ocotillo Animal Clinic and Pet Resort  
Premise Address: 3333 S. Arizona Ave.  
City: Chandler State: AZ Zip Code: 85286  
Telephone: 480-899-8181

**B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT\*:**

Name: Tammy Ohm  
Address: [REDACTED]  
City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]  
Home Telephone: [REDACTED] Cell Telephone: n/a

\*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.



**C. PATIENT INFORMATION (1):**

Name: Montgomery  
Breed/Species: Maltese / dog  
Age: 5 Sex: male Color: white

**PATIENT INFORMATION (2):**

Name: \_\_\_\_\_  
Breed/Species: \_\_\_\_\_  
Age: \_\_\_\_\_ Sex: \_\_\_\_\_ Color: \_\_\_\_\_

**D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:**

*Please provide the name, address and phone number for each veterinarian.*

Dr. Dickens  
Ocotillo Animal Clinic and Pet Resort;  
3333 S. Arizona Ave.  
Chandler, AZ 85286  
(480) 899-8181

\*\*\* complaint is also against vet tech: Renee  
Ocotillo Animal Clinic and Pet Resort;  
3333 S. Arizona Ave.

**E. WITNESS INFORMATION:**

*Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.*

Sylina; office manager  
Ocotillo Animal Clinic and Pet Resort;

\*\*\*written request for full names and license numbers were sought and unanswered by Ocotillo Animal Clinic and Pet Resort

**Attestation of Person Requesting Investigation**

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: 

Date: 9/25/17

**F. ALLEGATIONS and/or CONCERNS:**

*Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.*

On September 8, 2017 I requested that Ocotillo Pet Resort and Animal Clinic clean the teeth of my 5 year old Maltese (Montgomery). During the initial check up, I was informed if there were any significant tooth decay, that a extraction may need to occur, but that concerns were not evident.

On September 14, I met with vet tech Renee. She had me sign documents regarding estimates for the procedure. I requested to be contacted during the procedure if there were any concerns and I was informed that she could not do this. I should have taken my dog and left as this did not feel supportive of my pet, but was assured all would be fine. I received a voice mail at approximately 2 pm (I unfortunately missed the call by one ring). The voice mail was from Renee (the vet tech) who informed me that my pet was "resting peacefully" and that all went well and I could pick him up at 4.

When I arrived, the receptionist informed me that 17 of my pet's teeth were pulled. I immediately requested to speak to someone and was approached by the vet tech Renee. I informed Renee that I did not give consent for 17 of my pet's teeth to be pulled. I was then informed that 12 of his teeth were "loose" and pulled as a "preventative measure". Again, I stated that I had not given consent and asked why I was not informed of this when she called at 2pm. The vet tech Renee then informed me that she did not "tell me as I knew you would be upset". I then requested to speak to the vet who preformed the procedure, Dr. Dickens. I was again told that this was a "preventive measure" and that 12 of his teeth were pulled as they were "loose" and would eventually fall out. I repeatedly informed both of them that this procedure was done without my consent. Please note that they have pulled all of my pet's top front (with the exception of one) and all of his bottom teeth. His quality of life has now been forever compromised. A "loose" tooth does not qualify as significant tooth decay. No X-rays were completed.

I then was informed in a curt voice that I would need to speak with the office manager, which I welcomed as I was not being heard. I was informed by Sylina that I should have requested to be contacted during the procedure. I told her I had requested contact as was denied. Her response was that she would check the video; which I welcomed.

Despite my complaint and request (in writing) to obtain additional information regarding the names and license information; Ocotillo Animal Clinic and Pet Resort has failed to respond. I have obtained further information from your website: Marilyn Dickens Lic# 3232. Unfortunately, I do not have a last name of the vet tech, Renee.

This complaint is not about the fees incurred, it is about failure to engage in ethical practice and care of an animal. I am aware, however, that I can request a return of fees paid and am requesting to exercise that right within this complaint.

To: Tracy Riendeau, CVT/Arizona State Veterinary Medical Examining Board.

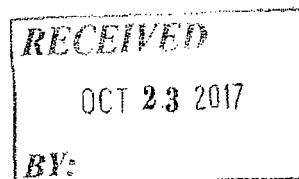
This letter is in regards to case #18-27

I am a relief veterinarian and work for Ocotillo Animal clinic on a fairly regular basis. On September 14, 2017, I was scheduled to do their surgeries and dentals, which included Ms. Ohm's dog, Montgomery. As a relief Veterinarian I often do not know the clients and unless they ask to see me prior to dropping off their pet for the procedure, I may not have even met them (as in the case with Ms. Ohm), since the technicians check in the patient, go over the estimate(s), and answer any questions the owner may have.

On my pre-op exam of Montgomery he was found to be in good general health, but did have significant calculus and mobility of some incisors. Pre-op lab work was unremarkable so Montgomery was anesthetized and teeth were ultrasonically scaled. At that time it became obvious that Montgomery had periodontal disease involving all but two of his incisors (103 and 201) plus seven other teeth. There were deep pockets and mobility of these teeth thus making extraction the correct treatment as these teeth were never going to be healthy. This was not a "preventative measure" as Ms. Ohm claims she was told, but rather the standard of care for periodontal disease of this severity.

I tried to explain to Ms. Ohm at discharge that dogs do not usually have tooth decay, but rather periodontal disease, involving bone and gingival loss and/or deep pockets that can't be eliminated, therefore leaving these teeth would just lead to continued dental disease. This is not only painful, but can impact the pets general health since bacteria from the mouth enter the bloodstream and then can cause heart and kidney problems.

I did not do dental x-rays as these teeth were obviously diseased, so I did not feel it was necessary to prolong the time under anesthesia taking x-rays. As I told Ms. Ohm I do not extract healthy teeth, but these teeth were not healthy. I did apologize for the miscommunication about her not being called prior to the extractions but I was under the impression that she okayed them and did not know she wanted to be called. We do call owners when they request it and I do not think the technician, Renee, would have told her we couldn't call her. Renee, might have told her that we prefer not to have to stop and call since that adds to the time that the pet is under anesthesia.



At this point it was obvious that Ms. Ohm was not satisfied with anything the tech or I had to say, so we advised her that we were going to have her talk to one of our head techs, Sylina Arzaga, since the office manager was on vacation. Sylina was also unable to make Ms. Ohm understand that we were trying to do what was best for her pet.

The following week when I returned to work at Ocotillo Animal Clinic I was informed that Ms. Ohm had posted slanderous comments about myself and Renee on social media sites. Ms. Ohm had also sent a letter to the practice owner, Dr. Wheeler, who gave a copy to me. (I have included a copy of that letter). Dr. Wheeler contacted Ms. Ohm and offered to pay for her to take Montgomery for a consult with the veterinary dentists at Arizona Dental Specialists. Montgomery was seen by them on 10-9-17, and after their exam they recommended further evaluation and x-rays under anesthesia, which was done on 10-11-17. They found even more teeth that required extraction as well as two roots that were present, (one) was an incisor tooth (#302) that I had extracted, but the other was on tooth #406 that we had marked as missing. I do have to admit this does serve to remind me of the importance of dental x-rays and my error in judgement in not taking them. However, I still feel the extractions I did were in Montgomery's best interest and in no way have "forever compromised his quality of life" as Mrs. Ohm claims. In her letter to Dr. Wheeler she also claimed that Montgomery could no longer pick up his toys or chew on his bully bone, but since he still has most of his canines, premolars, and molars I think he should be able to do these things.

Professionally yours,

Marilyn K. Dickens, DVM

**DOUGLAS A. DUCEY**  
- GOVERNOR -



**VICTORIA WHITMORE**  
- EXECUTIVE DIRECTOR -

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**INVESTIGATIVE COMMITTEE REPORT**

**TO:** Arizona State Veterinary Medical Examining Board

**FROM:** PM Investigative Committee: Robert Kritsberg, D.V.M. - Chair  
Donald Noah, D.V.M.  
Adam Almaraz  
Amrit Rai, D.V.M.  
Tamara Murphy

**STAFF PRESENT:** Tracy A. Riendeau, CVT, Investigations  
Sunita Krishna, Assistant Attorney General

**RE:** Case: 18-27

Complainant(s): Tammy Ohm

Respondent(s): Marilyn Dickens, DVM (License: 3232)

**SUMMARY:**

Complaint Received at Board Office: 10/10/17

Committee Discussion: 12/12/17

Board IIR: 2/21/18

**APPLICABLE STATUTES AND RULES:**

Laws as Amended July 2014

(Salmon); Rules as Revised September  
2013 (Yellow)

On September 14, 2017, "Montgomery," a 5-year-old male Maltese was presented to Respondent for a dental procedure. Upon signing paperwork, Complainant requested to be called during the procedure if there were any concerns, staff advised Complainant that could not be done but they would call her when the procedure was completed.

Later that day when Complainant arrived to pick up the dog, she was informed that 17 teeth were extracted. Complainant was upset because she did not give consent to extract that many teeth.

Complainant contends Respondent was negligent in the care of the dog.

**Complainant was noticed and appeared.**

**Respondent was noticed and appeared with counsel, David Stoll.**

**The Committee reviewed medical records, testimony, and other documentation as described below:**

- Complainant(s) narrative: *Tammy Ohm*
- Respondent(s) narrative/medical record: *Marilyn Dickens, DVM*
- Witness(es) narrative: *Ocotillo Animal Clinic and Pet Resort Staff.*

**PROPOSED 'FINDINGS of FACT':**

1. On September 8, 2017, the dog was presented to Dr. Beck for a dental estimate, pigmentation on lips and issues with his hips. Upon exam, the dog had a weight = 5.8 pounds, a temperature = 101.8 degrees, a heart rate = 100bpm and a respiration rate = 25rpm. Dr. Beck noted areas of depigmentation of the dog's lips, he was painful on palpation of mid to caudal thoracic spine - mild CP deficit in the left rear - and dental disease, grad 2 - 3/4. Blood was collected for testing and was within normal limits.
2. According to Complainant, she was informed that if there was any tooth decay, an extraction may be needed.
3. On September 14, 2017, the dog was presented to Respondent for a dental with extractions. While Complainant was signing documents authorizing the procedure she requested to be called during the procedure if there were any concerns. Technical staff member, Renee, stated that they could not do this but assured her that everything would be fine.
4. According to Renee, She went over the estimate with Complainant and informed her that it can be difficult to assess the number of extractions that would be needed until the pet is under anesthesia and multiple root extractions are more costly than single root extractions. Complainant signed the estimate and requested to be called during the procedure. Renee explained that they typically do not recommend calling during the procedure, if the pet owner is not available, and permission is not obtained to extract teeth or perform radiographs, the pet would need to return at another date and time and put under anesthesia again. Complainant signed the paperwork, and was advised she would be called when the dog was awake.
5. An IV catheter was placed and the dog was started on Lactated Ringers Solution. He was pre-medicated with atropine, acepromazine and torbugesic SQ, was induced with propofol, and maintained on isoflurane and oxygen. The dog's teeth were scaled and polished with a gritty polish then followed by a glossy polishing paste and rinsed. Respondent evaluated the mouth and noted that the dog had periodontal disease to all except two of the incisors plus 7 other teeth. There were deep pockets and mobility of the teeth. The dog was administered meloxicam and clindamycin during surgery and the dog recovered uneventfully.
6. Complainant was contacted and advised to pick up the dog later that day. When Complainant arrived, she was advised that the dog required 17 extractions. Renee attempted to speak to Complainant but she was very upset that so many extractions had occurred without her consent. Renee tried to relay the reason the teeth were extracted however Complainant would interrupt her therefore Complainant was placed in an exam room to speak to Respondent.
7. Respondent spoke with Complainant and explained that dogs do not have tooth decay but periodontal disease, involving bone and gingival loss and/or deep pockets that cannot be eliminated therefore leaving the teeth would just lead to continued dental disease. This is painful and can impact the animal's general health due to bacteria from the mouth entering the blood stream possibly causing heart and kidney issues. Radiographs were not performed as the teeth were obviously diseased. Respondent told Complainant that she does not extract healthy teeth.

She apologized for not calling her as she was under the impression that she authorized the procedure and did not know she wanted to be called. Respondent did not think Renee would have told Complainant that she could not be called but may have said they prefer not to stop and call since that adds time the pet is under anesthesia.

8. A few weeks later, according to Respondent, Dr. Wheeler, the responsible veterinarian offered to pay for Complainant to take the dog for a consultation with a specialist. The specialist recommended further evaluation under anesthesia (which took place on 10/11/17) where they found more teeth that required extraction as well as two roots present. One was from an incision Respondent extracted and one was from a tooth she had marked missing.

### **COMMITTEE DISCUSSION:**

The Committee discussed that canine dental care is a shared responsibility between the pet owner and the veterinarian. A pet owner cannot take care of all of the pet's dental care especially in a small breed dog. There were recommendations for performing a dental for approximately a year as well as other recommendations that were not followed.

The Committee wished there was better communication however based on the information Respondent had, she provided appropriate care. The teeth that needed to be extracted were removed and would not be appropriate to leave them in the dog's mouth as it would be more harmful. Loose teeth in a dog's mouth do not improve after a cleaning and cannot be tightened. The number of teeth needed to be extracted was unfortunate. However, veterinarians do not extract healthy teeth.

The Committee expressed concerns that technical staff handle communications with pet owners when relief veterinarians are working. Complainant was led to believe that she could not be called during the dental because it was standard procedure, when Respondent would have called Complainant if she knew it was requested. There are times when a procedure needs to be quick and time may not permit a veterinarian to stop during a procedure to contact a pet owner to get permission to extract teeth.

### **COMMITTEE'S PROPOSED CONCLUSIONS of LAW:**

The Committee concluded that no violations of the *Veterinary Practice Act* occurred.

### **COMMITTEE'S RECOMMENDED DISPOSITION:**

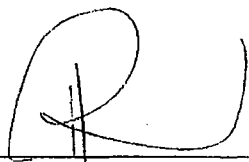
**Motion:** It was moved and seconded the Board:

*Dismiss this issue with no violation.*

**Vote:** The motion was approved with a vote of 5 to 0.

*The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.*



A handwritten signature in black ink, appearing to be 'Riendeau', written over a horizontal line.

Tracy A. Riendeau, CVT  
Investigative Division